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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re NUVELO, INC. SECURITIES
LITIGATION

) Master File No. 3:07-cv-04056-MMJ

) CLASS ACTION

This Document Relates To:

ALL ACTIONS.

) STIPULATION AND ~~PROPOSED~~ ORDER
) PURSUANT TO FED. R. CIV. P. 41(a)(1)(ii)
) TO DISMISS DEFENDANT SHELLY D.
) GUYER WITHOUT PREJUDICE

1 WHEREAS, Shelly D. Guyer ("Guyer") was named as a defendant in complaints filed in this
2 action; and

3 WHEREAS, Co-Lead Counsel for plaintiffs do not intend to name Guyer as a defendant in
4 this consolidated action; and

5 NOW, THEREFORE, the undersigned parties hereby stipulate pursuant to Fed. R. Civ. P.
6 41(a)(1)(ii) to dismiss Guyer as a defendant from this consolidated action without prejudice. Each
7 party shall bear its own costs and fees.

8 IT IS SO STIPULATED.

9 DATED: November 9, 2007

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
DENNIS J. HERMAN
MONIQUE C. WINKLER

12
13 /s/ Dennis J. Herman
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28 Co-Lead Counsel for Plaintiffs

1 DATED: November 9, 2007

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5 /s/ Jeffrey Kaban
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10 Counsel for Defendants Nuvelo, Inc., Ted W.
Love, Gary S. Titus, and Shelly D. Guyer

11
12 I, Dennis J. Herman, am the ECF User whose ID and password are being used to file this
13 STIPULATION AND [PROPOSED] ORDER PURSUANT TO FED. R. CIV. P. 41(a)(1)(ii) TO
DISMISS DEFENDANT SHELLY D. GUYER WITHOUT PREJUDICE. In compliance with
14 General Order No. 45, X.B., I hereby attest that Jeffrey Kaban has concurred in this filing.

15 /s/ Dennis J. Herman
DENNIS J. HERMAN

16 * * *

17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19
20 DATED: 11/16/07


21 THE HONORABLE MARTIN J. JENKINS
22 UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 9, 2007.

s/ Dennis J. Herman
DENNIS J. HERMAN

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Manual Notice List

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